

87 no. 42(R)

(385)

F.No. 4(4)/57/62/EC/2011-E&U-Vol.I
GOVERNMENT OF INDIA
NITI Aayog
Unique Identification Authority of India

2nd Floor, Tower-1, Jeevan Bharti Building
Connaught Circus, New Delhi-110 001

Date: 2.7.15

To,

Shri Umesh Sinha
Deputy Election Commissioner
Election Commission of India
Nirvachan Sadan,
Ashoka Road,
New Delhi - 110001

330/✓

Sub: Policy document/instructions on sharing of biometric data.

Please refer your D.O. No.23/1/2015-ERS(NERPAP)/Vol.I dated 30th June 2015 regarding agreement / MoU signed between UIDAI and ECI for use of Authentication services of UIDAI by ECI for seeding of Aadhaar number into EPIC data base.

As part of authentication services, resident's data is not shared by UIDAI. The authentication Services response from UIDAI is only in the form of "yes" or "no". In case of eKYC service, based on transactional consent (Biometric / OTP) of resident, resident's demographic data is shared. UIDAI never shares biometric data with any agency.

Further, in order to verify the Aadhaar details collected by a Government organisation, UIDAI provides a tool (DSDV) to view the demographic and photograph of the resident in a secure manner. The tool does not allow sharing / storing of the data. Further, organisation also has obligation to use the tool only for the purpose of viewing and verification. In any case, when a person furnishes a copy of any document his consent for verification of veracity of the document is inherent. The government organisation signs an agreement to use the service.

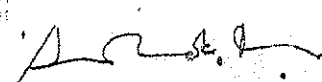
While hearing a Special Leave Petition (SLP No. 2524/2014) on 24.03.2014 against the Order of the High Court of Bombay dated 26.02.2014 in CRLWP No. 10 of 2014, the Supreme Court had passed, inter alia, an order restraining UIDAI from sharing biometric data without consent of the resident (copy enclosed). Hence, the agreement signed between UIDAI and ECI for use of Aadhaar Authentication, eKYC, DSDV and other tools are not violative of the court order and are as per the UIDAI policy.

This issues with the approval of DG & MD, UIDAI.

PRINCE CERTIFIED COPY

Rajan Aggarwal
राजन अग्रवाल/RAJAN AGGARWAL
अनुभाग अधिकाारी/Section Officer
आरक्षण निर्वाचन आयोग
Election Commission of India
अशोक रोड, नई दिल्ली 110001
Ashoka Road, N. Delhi-110001

Yours faithfully,



(Ashok Kumar)
Assistant Director General (E&U)

S U P R E M E C O U R T . O F I N D I A
R E C O R D O F P R O C E E D I N G S

386
Petition(s) for Special Leave to Appeal (Crl) No(s).2524/2014

(From the judgement and order dated 26/02/2014 in CRLWP No.10/2014,
of The HIGH COURT OF BOMBAY AT PANAJI)

UNIQUE IDENTIFICATION AUTH.OF INDIA &ANR

Petitioner(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION

Respondent(s)

(With appln. for exemption from filing c/c of the impugned Judgment
and office report)

Date: 24/03/2014 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Mr.Mohan Parasaran, SG
Mr.Rakesh Khanna, ASG
Mr. Zohen Hossain, Adv.
Mr. Alok Mishra, Adv.
Mr. D.S. Mahra, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

Issue notice.

In addition to normal mode of service, dasti
service, is permitted.

Operation of the impugned order shall remain
stayed.

In the meanwhile, the present petitioner is
restrained from transferring any biometric information
of any person who has been allotted the Aadhaar number
to any other agency without his consent in writing.

..2/-

TRUE CERTIFIED COPY

Rajan Agarwal

राजन अग्रवाल/RAJAN AGARWAL
अनुभाग अधिकारी/Section Officer
भारत निर्वाचन आयोग
Election Commission of India
अरावली रोड नई दिल्ली-110001
Asnoaa Road, N. Delhi-110001

More so, no person shall be deprived of any service for want of Aadhaar number in case he/she is otherwise eligible/entitled. All the authorities are directed to modify their forms/circulars/likes so as to not compulsorily require the Aadhaar number in order to meet the requirement of the interim order passed by this Court forthwith.

Tag and list the matter with main matter i.e.
WP(C) No.494/2012.

[Usha Bhardwaj]
A.R.-cum-P.S.

[M.S. Negil]
Assistant Registrar

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Ashoka Road, N. Delhi-110001

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ERS
Raj 13/7/15

S. No. 43(I)

386

By e-mail / Speed Post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI - 110001

No.23/1/2015(NERPAP)-ERS / 54-88

Dated: 13th July, 2015

To,
The Chief Electoral Officers
of All States/UTs.

Subject: The Commission's meeting dated 21st May, 2015 on "Issues and challenges in Linking Aadhaar with ER data" - Regarding.

Sir/Madam,

I am directed to state that the Commission held a meeting on 21st May, 2015 to discuss "Issues and challenges in Linking Aadhaar with ER data in UIDAI and NPR states". The meeting was attended by DG, UIDAI, DG, C-DAC and senior officers of RGI, BSNL, NIC and CSC, besides CEOs of Arunachal Pradesh, Meghalaya, Odisha, Tamilnadu and West Bengal.

2. Main decisions taken in the meeting are as follows:

- I. Issues related to UIDAI:- As regards Web API, DG UIDAI and DG C-DAC indicated that there is considerable progress in the development of this Web API for DSDV services. This is being closely monitored and tested by teams from C-DAC and UIDAI. It was informed that the service will be made available shortly to EROs for seeding purpose.
- II. Issues related to RGI:- Sh. S.K. Chakraborti, Addl. RGCR, RGI informed that RGI has provided RGI Data base with Aadhaar number, enrolment number and TIN number to States who have made request to them. As regards enumeration block number (which are almost matching with parts), Sh. Chakraborti informed that TIN number provided with the records contain enumeration block numbers. He further assured that the CEOs may bring any issue to the notice of RGI and the matter will be sorted out immediately. The CEOs may send their request for data directly to RGI and the data would be made available through concerned CPSUs.
- III. Issues related to BSNL:- DDG, BSNL indicated that the network issues in North Eastern States will be looked into immediately and BSNL will provide necessary support for routine maintenance to them.
- IV. Collection of Aadhaar and data Security:- As regards Aadhaar collection and security of Aadhaar database, the Commission decided that following instructions should be issued to all CEOs for their immediate compliance:
 - a. Furnishing of Aadhaar number is not mandatory; it is only optional and may be furnished voluntarily, as clarified by the Hon'ble Supreme Court.
 - b. No electoral service will be denied to any elector on the ground of non furnishing of Aadhaar number.

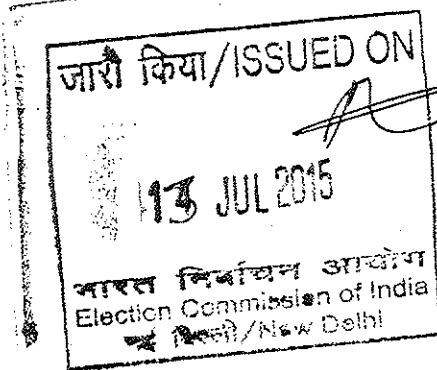
राजन अग्रवाल/RAJAN AGRAWAL
अनुमान अधिकारी / Section Officer
भारत निर्वाचन आयोग
Election Commission of India
अशोक रोड, नई दिल्ली-110001
Ashoka Road, N. Delhi-110001

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- c. Non-furnishing of Aadhaar number will not be a ground for rejection of application for new enrolment/objection against an application for new enrolment.
 - d. Similarly, non-furnishing of Aadhaar number will not be a ground for deletion of name of an existing elector from Electoral roll.
 - e. Collection of Aadhaar number is only for the purpose of authentication of details of electors and confidentiality and security of data must be ensured during the process of feeding and seeding.
 - f. Aadhaar number of an elector shall not be displayed / reflected in electoral roll or EPIC or voter slips or shown in digitized form on website for public scrutiny or in any other document of the Commission, shareable with public or put in public domain. It must be ensured that Aadhaar database is not misused under any condition.
3. Accordingly, the Commission has directed that the CEOs may approach RGI and UIDAI directly, in case they have any specific issue relating to linking of Aadhaar with ER data so that the matter may be resolved without lapse of time. The Commission has also directed that the above mentioned instructions related to Aadhaar collection and security of database, issued earlier vide the letter of even number dated 22nd May, 2015 shall be complied with by all the concerned.

Yours faithfully,

(NARENDRA N. BUTOLIA)
SECRETARY



TRUE CERTIFIED COPY

राजन आग्रवाल/RAJAN AGARWAL
अनुभाग अधिकारी/Section Officer
भारत निर्वाचन आयोग
Election Commission of India
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Ashoka Road, N. Delhi-110001

3558A
By e-mail / Speed Post

ELECTION COMMISSION OF INDIA

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No.23/1/2015(NERPAP)-ERS

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TRUE CERTIFIED COPY
Rajan Aggarwal
राजन अग्रवाल/RAJAN AGGARWAL
अनुभाग अधिकारी/Section Officer
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Election Commission of India
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Ashoka Road, N. Delhi-110001

- 3898
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Yours faithfully,

(NARENDRA N. BUTOLIA)
SECRETARY

TRUE CERTIFIED COPY

Rajendra Aggarwal
राजेंद्र अग्रवाल/RAJENDRA AGGARWAL
अनुमान अधिकारी/Secretary
भारत निर्वाचन आयोग
Election Commission of India
अशोक रोड, नई दिल्ली 110001
Ashoka Road, N. Delhi-110001

390

Subject: The Commission's meeting dated 21st May 2015 on issues and challenges in Linking Aadhaar with ER data-regarding

Date: 07/13/15 04:31 PM

From: narendra n butolia <narendranb@eci.gov.in>

To: ceo_andhrapradesh@eci.gov.in,
ceo_arunachalpradesh@eci.gov.in, ceo_assam@eci.gov.in,
ceo_bihar@eci.gov.in, ceo_chhattisgarh@eci.gov.in,
ceo_goa@eci.gov.in, ceo_gujarat@eci.gov.in,
ceo_haryana@eci.gov.in, ceo_himachalpradesh@eci.gov.in,
ceo_jammukashmir@eci.gov.in, ceocomputercll1@gmail.com,
ceokarnataka@gmail.com, ceo_kerala@eci.gov.in,
ceo_madhyapradesh@eci.gov.in, ceo_maharashtra@eci.gov.in,
ceo_manipur@eci.gov.in, ceo_meghalaya@eci.gov.in,
CEO Mizoram <ceo_mizoram@eci.gov.in>,
ceo_nagaland@eci.gov.in,
ceoorissa bhubaneswar <ceoorissa@gmail.com>,
ceo_punjab@eci.gov.in, ceo_rajasthan@eci.gov.in,
ceo_sikkim@eci.gov.in, ceo_tamilnadu@eci.gov.in,
CEOOffice Tripura <ceo_tripura@eci.gov.in>,
ceo_uttarpradesh@eci.gov.in, ceo_uttaranchal@eci.gov.in,
ceo_westbengal@eci.gov.in, ceo_andaman@eci.gov.in,
ceo_chandigarh@eci.gov.in, ceo_dadra@eci.gov.in,
ceo_daman@eci.gov.in, ceodelhi.hqr@gmail.com,
ceo_pondicherry@eci.gov.in, ceo_lakshadweep@eci.gov.in
Cc: Ajoy Kumar Under Secretary <ajoykumar@eci.gov.in>

NERPAP I CEO.pdf (771kB)

Sir/Madam,
Please find enclosed the Commission's letter No. 23/1/2015 (NERPAP)-ERS, dated 13th July 2015 on the subject for necessary action.
with regards,

P.A to Secy (NNB)

TRUE CERTIFIED COPY

Rajan Agarwal

राजन आग्रवाल/RAJAN AGARWAL
अनुभाग अधिकारी/Section Officer
भारत निर्वाचन आयोग
Election Commission of India
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Ashoka Road, N. Delhi-110001

1. Issue
ER
Pay 13/7/15

S. N. 44(I)

391

By e-mail / Speed Post

ELECTION COMMISSION OF INDIA :

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI - 110001

No.23/1/2015(NERPAP)-ERS 190-92

Dated: 13th July, 2015

To,

1. The Director General, National Informatics Centre, Department of Electronics & Information Technology, Ministry of Communication and Information Technology, A- Block, CGO Complex, Lodhi Road, New Delhi – 110003.
2. Chief Managing Director, Bharat Sanchar Nigam Limited, Bharat Sanchar Bhavan, Harish Chandra Mathur Lane, Janpath, New Delhi – 110001.
3. The Director General, Centre for Development of Advanced Computing, Pune University Campus, Ganesh Khind, Pund – 411007, Maharashtra.


Subject: The Commission's meeting dated 21st May, 2015 on "Issues and challenges in Linking Aadhaar with ER data" – Regarding.

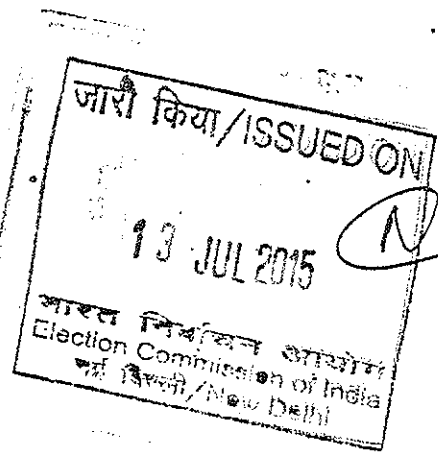
Sir,

I am directed to send herewith the minutes of meeting held in the Commission on 21st May, 2015 to discuss Issues and challenges in Linking Aadhaar with ER data for your information and necessary action.

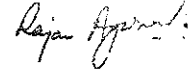
2. The Commission has desired that any issue relating to the programme, as and when brought to your notice by CEOs, may be resolved immediately on priority basis.

Yours faithfully,


(NARENDRA N. BUTOLIA)
SECRETARY



TRUE CERTIFIED COPY


राजन अग्रवाल/RAJAN AGARWAL
अनुभाग अधिकारी/Section Officer
भारत निर्वाचन आयोग
Election Commission of India
अशोक रोड, नई दिल्ली 110001
Ashoka Road, N. Delhi-110001

1392

Subject: - The Commission's meeting on NERFAP - 21.05.2015-Minutes of the Meeting.

A meeting held by the Commission on 21/05/2015 at 11.00 AM in Room no 601, Nirvachan Sadan, New Delhi to discuss "Issues and Challenges in Linking Aadhaar with ER Data in UIDAI and NPR States".

2. The followings were also present during the meeting:

- i. Sh. Vijay S. Madan, DG,UIDAI,
- ii. Sh. S.K.Chakraborti, Addl.RGCR, RGI,
- iii. Prof. Rajat Moona, DG,C-DAC
- iv. Sh. N.K. Mehta,ED(CA),BSNL
- v. Smt. Rama Nangpal, DDG,NIC
- vi. Sh. Dinesh Tyagi, CEO, CSC

3. From the Commission's side, DEC (VZ), DEC (ST), DEC (US), Dir(IT) and Secy(NNB) attended the meeting. Besides, CEOs of Arunachal Pradesh, Meghalaya, Odisha, Tamilnadu and West Bengal also participated in the meeting.

4. Agenda of the meeting was as under:

1. Issues related to UIDAI -

- a) Agreement - an agreement has been signed between UIDAI and Election Commission. That agreement has been submitted on file, in which LA(SKM) has pointed out that an agreement cannot be entered in to between two offices working under President of India. He has suggested that maximum, an MOU can be signed between two such offices.
- b) MOU with CSC- as informed by CSC, UIDAI is insisting that the Commission has to sign a separate MOU with CSC for purpose of authentication of Adhaar data.
- c) Methodology to share the data - UIDAI has not supplied fully the web API which allows access to Adhaar data base through NVSP portal. This application is required for EROs to carry out seeding of Adhaar number in electoral data base.
- d) Biometrics for overseas Indian electors - the issue was discussed on 19.05.2015 in the meeting of the Committee on e-voting. As Adhaar is not issued to the overseas Indian electors, their biometrics have to be collected separately. It is for discussion whether UIDAI can take up the task of collection of biometrics of overseas Indian electors.

2. Issues related with RGI -

- a) Poor enrolment in NPR States.
- b) Insufficient manpower and equipments to agencies engaged by RGI.
- c) Non-issue of BME receipts and delay in distribution of Adhaar due to incomplete address.
- d) Delay in supply of data to CEOs

3. Issues related to BSNL -

- a) Poor network in North Eastern States.
- b) ECI - NET - a proposal for development of ECI NET on pattern of NIC NET/RAILTEL is under consideration. It is for discussion as to how BSNL can assist in development of ECI NET.

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394

Now the progress has been seen not only in and around Shillong but also all over the state including rural areas.

- CEC pointed out that various representations/complaints have been received in the Commission suspecting that a number of deletions of names of voters from the Electoral Rolls by the BLOs may take on the basis of non-furnishing of Aadhaar number by the voters. It has also been brought to notice of the Commission that SMSs are being sent that EPIC cards will no longer be needed at the time of voting and that the Aadhaar database may be misused. CEC directed that though necessary instructions have already been issued by the Commission, to avoid confusion, more detailed and clear instructions should go to CEOs that furnishing of Aadhaar by an elector is not mandatory but it is optional. Non furnishing of Aadhaar number will not be a ground for rejection of application for new enrolment / deletion of an existing name from the Electoral roll. The citizens should be sensitized that the electors have been requested to give this information in their own interest and to ensure defect free Electoral Roll, and for incorporation of correct data of electors in the rolls to avoid duplicity and fake entries in the Electoral Rolls.
 - As regards putting adequate safeguards to secure Aadhaar database, CEC further directed to send instructions to the CEOs to ensure that Aadhaar database is not misused under any condition. He asked to inform them that collection of Aadhaar number is only for the purpose of authentication of details of electors and confidentiality and security of data must be ensured during the process of feeding and seeding. Aadhaar number of an elector shall not be displayed / reflected in electoral roll or EPIC or voter slips or shown in digitized form on website for public scrutiny or other document of the Commission, shareable with public or put in public domain.
7. The meeting ended with thanks to the chair.

TRUE CERTIFIED COPY

Rajan Agarwal

राजन अग्रवाल/RAJAN AGARWAL
अनुभाग अधिकारी/Section Officer
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